

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN COHEN,

Petitioner,

v.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE, et al.,

Respondents.

Civil Action No. 04-283 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on September 28, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 20], filed on January 20, 2006, recommended that Petitioner's Petition dismissed and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Defendants. Objections were filed on January 27, 2006 [Doc. No. 21]. After de novo review of the petition and documents in the case, together with the Report and Recommendation, and objections thereto, the following order is entered:

AND NOW, this 31st day of January, 2006;

IT IS HEREBY ORDERED that the Plaintiff's Petition for Writ of Habeas Corpus is DISMISSED and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 20] of Magistrate Judge Baxter, filed on January 20, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge